

MARK D. FOWLER (Bar No. 124235)
mark.fowler@dlapiper.com
CLAYTON THOMPSON (Pro Hac Vice)
clayton.thompson@dlapiper.com
DAVID ALBERTI (Bar. No. 220625)
david.alberti@dlapiper.com
CHRISTINE K. CORBETT (Bar No. 209128)
christine.corbett@dlapiper.com
YAKOV M. ZOLOTOREV (Bar No. 224260)
yakov.zolotorev@dlapiper.com
CARRIE L. WILLIAMSON (Bar No. 230873)
carrie.williamson@dlapiper.com

DLA PIPER LLP (US)
2000 University Avenue
East Palo Alto, CA 94303-2215
Tel: 650.833.2000
Fax: 650.833.2001

Attorneys for Plaintiff and Counterdefendant
Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SUN MICROSYSTEMS, INC.

Plaintiff-Counterdefendant,

v.

NETWORK APPLIANCE, INC.

Defendant-Counterclaimant.

Case Nos. 3:07-CV-05488-EDL

**STIPULATION AND ~~[PROPOSED]~~ ORDER
RE WITHDRAWAL OF PENDING
MOTIONS**

In connection with the parties' July 30, 2010, request for an extension of the current stay in this matter, Sun Microsystems, Inc. and NetApp, Inc. hereby stipulate to Sun's withdrawal without prejudice of Sun's pending motion for summary judgment (Dkt. # 257) and motion to seal (Dkt. # 256), and further stipulate that said motions may be re-noticed for decision by the Court following the end of the stay without the need for further briefing or a hearing on the motions. It is the intent of the parties and the Court that this stipulation be interpreted in such a way as to preserve the status quo vis-a-vis the parties and this litigation should the case resume

1 following the expiration of this stay.

2
3 Dated: August 4, 2010

4 DLA PIPER LLP (US)

5
6 By: /s/ Mark D. Fowler

7 MARK D. FOWLER
8 CLAYTON THOMPSON
9 DAVID ALBERTI
10 CHRISTINE K. CORBETT
11 YAKOV M. ZOLOTOREV
12 CARRIE L. WILLIAMSON

13 Attorneys for
14 Sun Microsystems, Inc.

15
16 Dated: August 4, 2010

17 WEIL, GOTSHAL & MANGES LLP

18
19 By: /s/ Edward R. Reines

20 MATTHEW D. POWERS
21 EDWARD R. REINES
22 JEFFREY G. HOMRIG
23 JILL J. HO

24 Attorneys for
25 NetApp, Inc.

~~**PROPOSED**~~ ORDER

Sun's pending motion for summary judgment (Dkt. # 257) and motion to seal (Dkt. # 256) are hereby deemed withdrawn without prejudice. Sun may re-notice the motions for decision by the Court following the conclusion of the stay without the need for further briefing or a hearing on the motions.

IT IS SO ORDERED.

Dated: August 5, 2010

Elizabeth D. Laporte

UNITED STATES MAGISTRATE JUDGE
ELIZABETH D. LAPORTE